

R E M A R K S

Applicants have cancelled claims 1 through 13 and 15 without prejudice and will pursue them in a separate continuation application, so that they may gain early issuance of remaining claims 14, 16 and 17.

Claims 14, 16 and 17 of the instant application were rejected in the July 30, 2003 Official Action based solely on 35 U.S.C. § 102(b). The Examiner contended that these claims were anticipated by U.S. Patent No. 5,568,661 to Bathrick, et al. ("Bathrick"). The Examiner's objections to the drawings, and the §§112 and 103 rejections were all directed to claims other than claims 14, 16 and 17.

Applicants respectfully submit that the Examiner's rejection is overcome by the grounds set forth below.

Initially, claims 14, 16 and 17 are directed to "motion furniture". As noted on the Interview Summary, it is believed that those in the furniture industry understand the term motion furniture as not including beds. See, for example, U.S. Patent Nos. 5,478,133; 5,419,611; and 5,326,153, copies of which are enclosed herewith (together with a Form PTO 1449), which show that the term is more commonly used for various types of seating devices such as chairs, rockers, gliders, recliners, sofas, loveseats and the like. To remove any doubt about this matter, however, Applicants specifically make a prosecution disclaimer with respect to the term motion furniture, agreeing that as used herein it does not extend to beds.

The description in Bathrick refers to "articulated beds." Bathrick repeats this type of disclosure several times. (See, e.g., Column 1, Line 6, "Articulated Beds . . . "; Column 1, Line 36, "A similar articulated bed is illustrated in . . . "; Column 1, Line 51, "Other articulated beds are illustrated in . . . "; Column 2, Lines 16-17, "In accordance with the present invention an articulated bed having a modified standard bed frame is provided . . . "; Column 5, Lines 58-60, "We claim: 1. An articulated bed with a frame mounted replaceable power module, comprising: a general rectangular bed frame . . .").

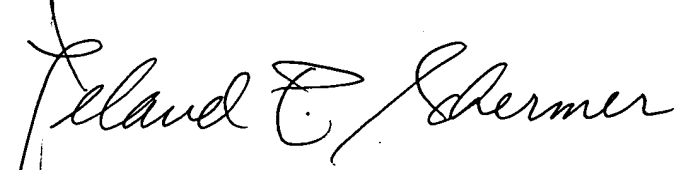
Applicants respectfully submit that in view of the prosecution disclaimer herein, the term "motion furniture" alone prevents the Bathrick reference from being an anticipating reference under 35 U.S.C. § 102(b).

Moreover, applicants respectfully submit that the Examiner's agreement that Bathrick does not disclose pantographic style linkage, when combined with the inclusion of such a limitation in these claims, further renders the claims patentable.

Finally, Applicants further clarify that the rotary drive mechanism of these claims, which rotates the crossbar and which was discussed earlier in the prosecution history by both the Examiner and Applicants as envisioning a wide variety of structures, is to be electrically powered.

For the foregoing reasons, Applicants respectfully submits that claims 14, 16 and 17 of the application are allowable, and they respectfully request that that the Examiner return an initialed copy of Form PTO 1449 and issue a Notice of Allowance in this application.

Respectfully submitted,



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